UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,003	12/05/2001	Leonard T. Schroath	10013179-1	2850

7590	05/21/2004

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EXAMINER
BONZO, BRYCE P

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/002,003	Applicant(s) SCHROATH ET AL.
	Examiner Bryce P Bonzo	Art Unit 2114

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 October 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

NON-FINAL OFFICIAL ACTION

Status of the Claims

Claims 13-15 are rejected under 35 USC §102.

Claims 1-12, 18-22 are rejected under 35 USC §103.

Claims 13-17 are rejected under 35 USC §112, second paragraph.

Rejections under 35 USC §112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner is unable to clearly interpret the bounds of the phrase "common error." The relativity and the inability to clearly and consistently determine what is and is not common requires the rejection under 35 USC §112. To overcome this rejection, a clear indication of what is common and not common is required or the phrase should be removed all together.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulrich (United States Patent No. 5,208,814). This rejection is being given based on the best and most reasonable interpretation the Examiner can make given the uncertainty of created by the use of "common errors."

As per claims 13-15, Ulrich discloses:

13. A method comprising:

detecting a printer error (column 7, lines 28-31);

adding X points to a printer error counter (the Examiner has set X=1, thus simply incrementing the counter: column 7, line 51 through column 8, line 3);

adding Y points to the printer error counter if a common error occurred within a predetermined time period (the Examiner has set Y=0, eliminating the step and following the system of Ulrich);

determining whether the printer error counter exceeds a threshold value (column 7, lines 56-61); and

rebooting the printer if the printer error counter does not exceed the threshold value (column 6, lines 62-64 and column 7, lines 11-13).

14. A method as recited in claim 13 further comprising notifying a network administrator

of the printer errors if the printer error counter exceeds the threshold value (column 8,

lines 3-28).

15. A method as recited in claim 13 wherein rebooting the printer includes identifying a

print job that was printing when the printer error was detected and attempting to reprint

the identified print job (column 8, lines 3-28).

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 1-12 and 18-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ulrich (United States Patent No. 5,208,814) in view of Urano (United

States Patent No. 6,202,158 B1).

As per claim 1, Ulrich discloses:

1. A method comprising:

detecting a printer error (column 7, lines 28-31);

if the printer error has occurred a predetermined number of times generating an error message (column 7, lines 56-61); and

if the printer error has not occurred a predetermined number of times rebooting the printer (column 7, lines 11-13; column 6, lines 62-64).

Ulrich does not explicitly disclose the use of a predetermined time period. Urano discloses the use of a predetermined time period (column 6, lines 1-6). Security logging, much like error logging, generates large amounts of data and alerts. Often this volume of data concerning problems of any sort in a network becomes overwhelming. Urano discloses the use of predetermined time periods to help organize this volume of data (column 2, lines 1-9). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the time periods of Urano into the printer error logging and repair system of Ulrich, thus creating a more robust fault tolerant system.

2. A method as recited in claim 1 further comprising if the printer error has occurred a predetermined number of consecutive times, generating an error message (Urano: Figure 1B).

3. A method as recited in claim 1 further comprising if the printer error has occurred a predetermined number of times within the predetermined time period, notifying a

network administrator of the printer errors (Urano: column 4, lines 63-66; Ulrich: column 7, lines 56-57).

4. A method as recited in claim 1 wherein logging the printer error in an error log includes recording a date and time that the printer error occurred (Urano: Figure 7, item 703).

5. A method as recited in claim 1 wherein logging the printer error in an error log includes recording an identification of the print job being handled when the printer error occurred (Ulrich: column 8, lines 6-8).

6. A method as recited in claim 1 wherein logging the printer error in an error log includes recording an error type associated with the printer error (Urano: Figure 7, item 703).

7. A method as recited in claim 1 wherein rebooting the printer further includes identifying a print job that was printing during the detected printer error and attempting to reprint the identified print job (column 8, lines 3-28).

8. A method as recited in claim 1 further comprising logging the printer error in an error log (column 8, lines 3-28).

As per claim 9, Ulrich discloses:

9. A method comprising:

    detecting a printer error (column 7, lines 28-31);

    logging the printer error in an error log (column 8, lines 3-28);

    if the printer error has occurred a predetermined number of times, generating an error message (column 7, lines 56-61); and

    if the printer error has not occurred a predetermined number of times, rebooting the printer (column 7, lines 11-13 and column 6, lines 62-64).

Ulrich does not explicitly disclose the use of a predetermined number of consecutive times. Urano discloses the use of a predetermined number of consecutive times (column 6, lines61-67). Security logging, much like error logging, generates large amounts of data and alerts. Often this volume of data concerning problems of any sort in a network becomes overwhelming. Urano discloses the use of predetermined time periods to help organize this volume of data (column 2, lines 1-9). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the number of consecutive times of Urano into the printer error logging and repair system of Ulrich, thus creating a more robust fault tolerant system.

10. A method as recited in claim 9 further comprising if the printer error has occurred a predetermined number of times within a predetermined time period, generating an error message (Urano: column 4, lines 63-66; Ulrich: column 7, lines 56-67).

11. A method as recited in claim 9 further comprising if the printer error has occurred a predetermined number of consecutive times, notifying a network administrator of the printer errors (Urano: column 4, lines 63-66; Ulrich: column 7, lines 56-67).

12. A method as recited in claim 9 wherein rebooting the printer further includes identifying a print job that was printing during the detected printer error and attempting to reprint the identified print job (Ulrich: column 7, lines 1-4).

As per claim 18, Ulrich discloses:

18. A printer comprising:

a control panel configured to display information to a user of the printer (column 8, lines 3-28);

an error log configured to store information regarding printer errors detected by the printer (column 7, lines 51 through column 8, line 28);

an error analysis module configured to analyze printer errors stored in the error log (column 8, lines 3-28); and

wherein the error analysis module is further configured to reboot the printer if a particular printer error has not occurred a predetermined number of times (column 7, lines 11-13 and column 6, lines 62-64).

Ulrich does not explicitly disclose the use of a predetermined time period. Urano discloses the use of a predetermined time period (column 6, lines 1-6). Security logging, much like error logging, generates large amounts of data and alerts. Often this volume of data concerning problems of any sort in a network becomes overwhelming. Urano discloses the use of predetermined time periods to help organize this volume of data (column 2, lines 1-9). Thus it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the time periods of Urano into the printer error logging and repair system of Ulrich, thus creating a more robust fault tolerant system.

19. A printer as recited in claim 18 wherein the error analysis module is further configured to generate an error message on the control panel if a particular printer error has occurred twice within the predetermined time period (Ulrich discloses any number).

20. A printer as recited in claim 18 wherein the error log stores a date and time that the printer error occurred (Urano: Figure 7, item 703).

21. A printer as recited in claim 18 wherein the error log stores an error type associated with the printer error (Ulrich: column 7, lines 51-67).

22. A printer as recited in claim 18 wherein the error log stores information regarding the print job being processed when the printer error occurred (Ulrich: column 7, lines 51-
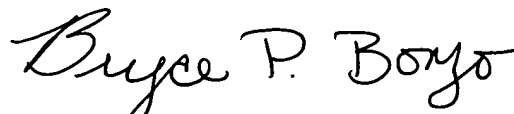
57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bryce P Bonzo
Examiner
Art Unit 2114

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